

**Utah Solid and Hazardous Waste Control Board**  
**Meeting Minutes**  
**September 11, 2008**  
**1:30 p.m.**

**Board Members Present:** Carlton Christensen (Chair), John Newman (Vice Chair), Craig Anderson, Michael Brehm, Scott Bruce, Kory Coleman, Jeff Coombs, Ryan Dupont, Craig Forster, Kevin Murray, Gary Mossor, and Rick Sprott.

**Board Members Excused:** Dennis Riding

**Staff Members Present:** Dennis Downs, Brad Johnson, Tom Ball, Shane Bekkemellom, Ed Costomiris, Arlene Lovato, Dale Marx, Brad Maulding, Terry Montgomery Allan Moore, Jon Parry, Don Verbica, John Waldrup, Bill Wallner, Otis Willoughby, and Raymond Wixom.

**Others Present:** Troy Johnson, Kris Snow, Shane Whitney, Tim Orton, Les Ashwood, Jeff Mensinger, Sean McCandless, Dave Gosen, David Gibby, and Sheila Vance.

**I. Call to Order**

Carlton Christensen (Chair) called the meeting to order at 1:30 p.m. In honor of Patriot Day (September 11), Mr. Christensen recognized and acknowledged the thousands who lost their life on September 11, 2001 and thanked and expressed gratitude to all those serving in our military, as well as all those serving in police and fire departments in communities in the U.S.

**II. Approval of Meeting Minutes for the August 14, 2008, Board meeting (Board Action Item)**

John Newman moved to approve the August 14, 2008, Board meeting minutes. The motion was seconded by Gary Mossor and UNANIMOUSLY CARRIED, with the following change: (Page 6, Section C - 2<sup>nd</sup> to last paragraph) Michael Brehm noted that if significant impacts or significant public controversy are determined during the environmental assessment, it could make it difficult to ~~complete~~ avoid completing an environmental impact statement.

**III. Underground Storage Tank Update**

Brad Johnson provided the Board members with an update on the status of the Gunnison Top-Stop facility. The Division of Environmental Response and Remediation (Division) has completed a thorough review of the approximately 40 pages of comments received during the Corrective Action Plan (CAP) public comment period. In answer to these comments, the Division has notified all of the individuals who provided comment that specific responses to their concerns are posted in a global response on the Division's website. The Division has also shared these comments with Wind River Petroleum, and has required them to provide an updated CAP by the end of September 2008.

Mr. Johnson then explained to the Board members that the Division is also in the process of putting some rules together to establish an Underground Storage Tank (UST) owner/operator certification program for the State of Utah, as required by the Federal Energy Policy Act of 2005. This certification program would be 3-tiered and would consist of the following:

- Class A. The Class A certification would be for an owner/operator of a number of stations that has an understanding of the broader aspects of the regulatory requirements and standards necessary to operate and maintain UST systems.

- Class B. The Class B certification would be for an owner/operator that has a technical background and is knowledgeable of the inner workings of UST systems and how they operate. Some requirements that will be included with this certification will be that these individuals will be required to physically inspect all of the facilities under their control once a month, as well as reviewing inventory data at least every 7 days.
- Class C. The Class C certification would be for station employees/clerks that are actually located at the station and do not have a technical background, but have a basic understanding of where automatic shutoff valves are located if a release were to ever occur.

The Division is currently meeting with various owner/operators and industry representatives, including the Utah UST Advisory Task Force, to present the program and to receive feedback. It is anticipated that the Division will be coming before the Board at the end of the year or early next year to present these rules.

Carlton Christensen inquired how an owner/operator of a single station would fit into this certification program. Mr. Johnson stated that the owner/operator of a single station would most likely be the A, B, and C certified individual for their single facility.

Michael Brehm then asked to what extent similar services and/or trainings provided by the industry would be involved in the certification program. Mr. Johnson explained that as the Division develops these rules, these services will be taken into consideration and a mechanism will be provided whereby the Division can approve the training programs the industry already has in place. This will ensure that the trainings meet the Division's rules and regulations.

#### **IV. Mercury Switch Program Update**

Allan Moore provided an update on the Mercury Switch Program. (A copy of the presentation is available with the meeting minutes.) The Mercury Switch Removal Program was implemented in July 2007 with the passing of House Bill 138 by the Utah State Legislature. House Bill 138 required the development of rules for the removal of mercury switches from automobiles and required submission of a switch management plan by the auto manufacturers. The Mercury Switch Management Plan includes provisions for the removal and safe disposal of mercury switches from automobiles that are destined for dismantling.

Mr. Moore explained that the Management Plan was developed by the End-of-Life Vehicle Solutions Corporation (ELVS) and was approved on November 5, 2007. The Management Plan outlines the procedures for removal, management, and reimbursement of mercury switches. All payments (bounty) due to automobile recyclers for switches from automakers who are members of ELVS are paid by ELVS through their designated contractor.

Mr. Moore explained the process and procedures of collecting the mercury switches. Each participant/auto dismantler in the program is sent a recovery bucket for onsite storage of the mercury switches, a cover letter introducing the program, a brochure that identifies why mercury switches should be removed, where they can be found in automobiles, how to properly collect and manage them, and where to go for answers to questions. Also provided is a DVD that presents an overview of automotive mercury collection and methods of mercury switch removal, a link to the ELVS website ([www.elvsolutions.org](http://www.elvsolutions.org)), detailed instructions for shipping the collection containers for recycling of the mercury, and a list of vehicles that may contain mercury convenience light switches.

Mr. Moore provided a bucket with the labels used for shipping and explained the appropriate storage of the mercury switches. Mr. Moore also showed various types of mercury switches for the Board to examine and explained that mercury switches are handled as a universal waste by the participants during the time they are being collected. Once the buckets are full or the storage requirements are met, shipping labels are attached and the buckets get shipped to the ELVS contractor for further management and reimbursement.

Mr. Moore noted the Mercury Switch Program is a voluntary program in all but thirteen states. Utah is one of the thirteen states that have a legislatively mandated program. The auto manufacturers have set up a trust fund of approximately four to five million dollars that ELVS utilizes to reimburse participants in the program. There are 85 participants in Utah. To date, 11,696 mercury switches have been collected, which totals 25.73 lbs of mercury. This level of participation places Utah in the top ten states for collection of switches for recycling by ELVS.

Mr. Moore stated that mercury switches were phased out by auto manufacturers after the 2003 model year and there are no current or future models that contain a mercury switch.

Craig Forster asked about the ultimate destination of the switches that are collected. Mr. Moore stated that the mercury is recycled through ELVS' contractor, Environmental Quality Contractors. The focus nationwide is to recycle the mercury.

Ryan Dupont stated he is currently serving on the Board for the Salt Lake County Solid Waste Management Facility, and questioned if there should be a concern about mercury contamination in the auto fluff from auto shredders. Mr. Moore indicated the goal of the program is to have switches removed so the auto dismantlers don't have to worry about them when the cars are shredded. However, there is a lot of education that needs to take place, as some of the smaller operations are not interested in removing the mercury switches.

Mr. Dupont asked if there was anything that could be done from the landfill perspective that would require all the auto dismantlers to provide documentation/certification that the mercury switches have been removed. Mr. Moore stated that the metal recyclers may require the automobiles to be certified clean (free from any mercury, fluids, gas, oil, etc.) before they take them. This certification is seen as a way to force the auto dismantlers to be accountable.

## **V. Hazardous Waste Facilities Section**

### **A. Stipulation and Consent Order between the Board and ATK Launch Systems, Inc. - Bacchus Facility (Information Item Only)**

Brad Maulding discussed the proposed Stipulation and Consent Order (SCO) between the Board and ATK Launch Systems, Inc. (ATK) to resolve Notice of Violation and Order for Compliance (NOV/CO) No. 0801004 issued on February 13, 2008.

The NOV/CO identified violations that were documented through self-reporting by the facility and during an inspection conducted by authorized representatives of the Board. ATK violated the rules by discharging photo processing waste into a septic system. The photo processing waste consists of a developer/fixer solution and coolant/rinse wastewater. The waste developer/fixer solution is a characteristic hazardous waste for silver (D011). ATK disposed of this hazardous waste by discharging it into an un-permitted unit from approximately 1997 to 2007. The amount of waste discharged during this period was approximately 1,000 gallons.

The NOV/CO issued to ATK also required the submittal of a closure plan. ATK has submitted a draft closure plan, which is currently being reviewed and may be finalized within the next few weeks.

The proposed SCO includes a penalty of \$131,310.00 which has been negotiated with ATK and agreed upon for settlement of the NOV. All violations have been resolved.

This is an informational item for the Board. The public comment period for this SCO began on August 21, 2008 and will conclude on September 22, 2008. A recommendation will be provided to the Board at the next Board Meeting.

Carlton Christensen asked if, due to the nature of the discharge, there is any concern that some of this waste ended up in the soils. Mr. Maulding stated that there is that possibility, but an investigation will be done to confirm the

presence or absence of the waste. Mr. Maulding explained that silver is not a very mobile constituent in the environment and that hopefully a good portion of the silver was captured in a process tank before the waste was discharged to the septic system. However, until a thorough investigation is done, which includes collecting samples of the soil, the extent of the contamination is unclear at this time.

## **VI. Commercial/Federal Facilities**

### **A. EnergySolutions LLC Request for a site-specific treatment variance for cemented uranium extraction process residues (Board Action Item)**

Otis Willoughby reviewed the request from EnergySolutions to renew a site-specific treatment variance for enriched uranium waste containing waste codes D005, D006, D007, F001, F002, and F005. EnergySolutions requested this same variance for this generator which was approved by the Board on September 13, 2007.

To date, EnergySolutions has received 600 cubic feet of this waste out of approximately 4,500 cubic feet possible. The Mixed Waste Facility proposes to continue receiving cemented monoliths containing enriched uranium residuals. This material retains hazardous waste codes for barium, cadmium, chromium, and spent solvents. The generator has encapsulated the waste in concrete for security reasons. This waste meets all license conditions for radioactive waste disposal at the facility.

EnergySolutions proposes to receive this waste for macroencapsulation in the Mixed Waste Landfill Cell rather than chemical stabilization, as required. This request is based on the fact that the waste has already been encapsulated in concrete at the generator's site. Treating this waste by the required method would mean grinding the waste and potentially exposing workers to unnecessary contamination.

The proposed treatment will further encapsulate the waste and protect it from contact with precipitation, thereby decreasing the potential of leaching. Final disposal of the waste will occur in the Mixed Waste Disposal Cell at the EnergySolutions Mixed Waste Facility.

A 30-day public comment period on the variance request began on August 7, 2008 and concluded on September 5, 2008. No comments were received. Also, a public hearing was held in the Tooele County Courthouse on August 21, 2008 at 7:00 p.m.

The Executive Secretary recommends approval of this request based on the following findings: the proposed alternative treatment method meets the regulatory basis for a variance, will be as safe to human health and the environment as the required method and the proposed alternative will greatly reduce the possible worker contact with the waste. Tim Orton, representative from EnergySolutions, attended the meeting to answer any questions from the Board.

**John Newman moved to approve EnergySolutions LLC, January 25, 2008, request for renewal of a site-specific treatment variance for enriched uranium waste containing waste codes D005, D006, D007, F001, F002, and F005, based on the finding outlined by the Executive Secretary. The motion was seconded by Gary Mossor and UNANIMOUSLY CARRIED.**

### **B. Stipulation and Consent Order between the Board and Clean Harbors, Grassy Mountain Facility, LLC. (Board Action Item)**

Ed Costomiris reviewed a proposed Stipulation and Consent Order (SCO) between the Board and Clean Harbors Grassy Mountain Facility to resolve Notice of Violation (NOV) No. 0711031 issued on January 8, 2008.

The violations included the following: (1) storage of used oil in containers with structural defects and that were leaking; (2) failure to sample and analyze the wheel wash collection tanks annually; (3) failure to incorporate the required certification statement on certain documents; and, (4) failure to inspect the leachate tanks within twelve months of the previous inspection.

All violations have been resolved. The SCO includes a penalty of \$16,174.00.

A 30-day public comment period on the proposed SCO began on July 24, 2008 and concluded on August 25, 2008. No comments were received. The Executive Secretary recommends approval of the Stipulation and Consent Order.

**It was motioned by Gary Mossor and seconded by Craig Forster and unanimously carried to approve the proposed Stipulation and Consent Order (SCO) No. 0803007 to resolve Notice of Violation No. 0711031 between the Board and Clean Harbors Environmental Services, Inc.**

**C. Stipulation and Consent Order between the Board and Northeast Casualty Real Property, LLC. (Clive Facility), (Information Item Only)**

Ed Costomiris discussed the proposed Stipulation and Consent Order (SCO) between the Board and Northeast Casualty Real Property, LLC. to resolve Notice of Violation and Order for Compliance (NOV/CO) No. 0801001 issued on January 29, 2008. The Clive Facility is a commercial hazardous waste treatment and storage facility.

The NOV/CO violations included the following: (1) Failure to conduct inspections; (2) Failure to assign unique identifying numbers to containers; (3) Failure to transfer waste from a container in poor condition to a container in good condition; (4) Failure to remediate spilled hazardous waste during transportation; and (5) Modification of a permitted storage area without Executive Secretary approval.

All the violations have been resolved. The SCO includes a penalty of \$29,178. The public comment period for this SCO began September 2, 2008, and will end on October 2, 2008. This is an informational item for the Board, and a recommendation will be provided at a future Board Meeting.

Gary Mossor stated that, at the previous Board meeting, discussions took place regarding a facility at this location regulated by the Used Oil Program and the state's concern regarding communication with the right parties. Mr. Mossor wondered if this was an issue with this facility as well. Mr. Costomiris responded that the three Clean Harbors facilities located in the west desert communicate very well. Mr. Costomiris explained that the issue with the Used Oil Program involved a Clean Harbors transportation division based in Massachusetts.

## **VII. Chemical Demilitarization**

### **A. TOCDF Update**

To date, TOCDF has 198 155mm projectiles that cannot be treated at this time because existing equipment at TOCDF is not capable of safely processing them. TOCDF is currently exploring options that the military may have in its system to destroy the 155mm projectiles, including the Explosives Destruction System (EDS) and the Transportable Detonation Chamber (TDC). These two mobile units would be brought to TOCDF. A decision will be made within the next year on how to handle theses remaining 155mm projectiles.

Tom Ball also explained the permitting requirements and process for each of these two units if they were utilized. One of the determining factors as to what system will be utilized is the availability of the units. Mr. Ball stated that that the benefits of using either of these two units is that they both are mobile units that can be set up in either a temporary or existing building without impacting any other ongoing operations.

Ryan Dupont asked if there is a level of verification or historical information that will be provided to document that the 155mm projectiles are processed safely. Use of the TDC will require additional verification of destruction. However, the EDS has been utilized before and the Division is comfortable with the results when operating according to its design.

On August 22, 2008, TOCDF began processing the low mercury/low heel ton containers. TOCDF has now completed its sampling of the ton containers. Since August 22, 2008, TOCDF has processed 57 ton containers. During processing, TOCDF discovered six “fat boys,” which are the ton containers that have a heel in excess of 630 pounds. These six “fat boys” are waiting to be processed through the Heel Transfer System (HTS). The HTS has been installed and systemization testing is nearly complete. TOCDF anticipates that the HTS will begin operations next month. The HTS will be able to process the heavier amounts of solids. Mr. Ball clarified that all the ton containers contain mustard agent only.

The carbon filtration system for the pollution abatement system to deal with the mercury in the mustard agent will contain three filter system units. As of last week, these three units have been set in place and the building of the structure around the units will begin, including the tie-in to the pollution abatement system. It is anticipated that the pollution abatement system will be fully installed and testing will begin in the spring or early summer of 2009.

**B. Stipulation and Consent Order between the Board and Deseret Chemical Depot (DCD)  
(Information Item Only)**

Tom Ball discussed the proposed Stipulation and Consent Order (SCO) to resolve Notice of Violation (NOV) No. 0712032, which was issued to Deseret Chemical Depot (DCD), the Chemical Agent Munitions Disposal System (CAMDS), and the Tooele Chemical Agent Disposal Facility (TOCDF) in February 2008.

Both TOCDF and CAMDS are located within the boundaries of DCD. All three facilities have permits and must comply with state and federal laws regarding hazardous waste. One NOV is issued to all three facilities because they all operate under one EPA ID Number. The NOV contains 74 violations that were documented through self-reports from the facilities and during inspections performed by Division staff.

All violations cited in the NOV have been corrected. A total penalty of \$72,860.25 has been negotiated and agreed upon for settlement of the NOV. The public comment period for this settlement began on September 9, 2008 and will end on October 8, 2008. This is an information item for the Board, and will be brought before the Board for action at the next regularly scheduled Board Meeting.

**VIII. Other Business**

**A. Utah Legislature Interim Committee/Statute Sunset Review**

Dennis Downs reminded the Board both the Solid and Hazardous Waste Act and the Used Oil Management Act are scheduled to sunset on July 1, 2009. This matter was placed on the agenda of the Natural Resources, Agriculture, and Environment Interim Committee meeting that was held on August 20, 2008. During that meeting, the legislative interim committee received information regarding the hazardous waste and used oil programs and voted to re-authorize both acts for an additional ten years. These acts will be included in a larger bill to be voted on during the 2009 Utah Legislature session.

**B.** Carlton Christensen stated that the Board has, on occasion, conducted tours around the state of areas of interest and encouraged Board members to notify Division staff if there was any interest in conducting a tour so it can be scheduled for an upcoming meeting.

**C.** The next Board meeting will be held on October 9, 2008 at 1:30 p.m. in the Utah Department of Environmental Quality, (Building # 2), located at 168 North 1950 West, (Room 101), SLC.

**IX. Adjourn**

**The meeting adjourned at 2:13 p.m.**